

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DENNIS J. SOLOMON,

Plaintiff,

v.

CHARLES VEST, *et al.*,

Defendants.

Civil Action No. 04-12499WGY

**MOTION OF THE DEFENDANT TEXAS INSTRUMENTS, INC.
TO DISMISS THE PLAINTIFF'S COMPLAINT**

Pursuant to Mass. R. Civ. P. 12(b)(6), the defendant Texas Instruments ("TI") hereby moves to dismiss the Complaint of plaintiff David J. Solomon (the "Complaint").

As grounds for dismissal, TI states that the Complaint fails to state a claim upon which relief can be granted and fails to comply with Fed. R. Civ. P. 9(b). Further, several claims fail for the additional reason that they are time-barred under M.G.L. 260 §§ 2 and 2A.

In support of this motion, TI submits herewith the Memorandum of in Support of the Motion of Defendant Texas Instruments, Inc. to Dismiss the Plaintiff's Complaint.

WHEREFORE, TI respectfully requests that the Court dismiss the Complaint against TI in its entirety and with prejudice.

Respectfully submitted,

TEXAS INSTRUMENTS, INC.

By its attorneys,

HOLLAND & KNIGHT LLP

/s/ Edward J. Naughton

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Dated: March 21, 2005

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that at approximately 9:40 a.m. on March 17, 2005, I contacted Mr. Dennis Solomon by telephone to discuss the issues raised in this motion. We were not able to reach an agreement that would avoid the need for this motion.

/s/ Edward J. Naughton

Edward J. Naughton